

State of New Hampshire Judicial Branch

# MAPPING THE FUTURE

Setting the Course for Improvement  
and Change in the Court System



## *Mission Statement*

*To preserve the rule of law and to protect the rights and liberties guaranteed by the United States and New Hampshire Constitutions, the courts will provide accessible, prompt, and efficient forums for the fair and independent administration of justice, with respect for the dignity of all we serve.*



Biennial Report 2005 – 2006

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### Cover Detail:

*The entrance to Concord District Court*

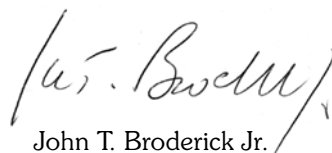
*(Photo right) Chief Justice John T. Broderick Jr.  
(front, right) seated with Senior Associate Justice  
Linda S. Dalianis. Standing (l-r) Justice Richard E.  
Galway, Justice James E. Duggan and Justice Gary  
E. Hicks.*

## LETTER FROM THE CHIEF JUSTICE

During the past two years, we have made an unprecedented effort in the Judicial Branch to review our performance and identify our goals for change and improvement. The new Judicial Branch Strategic Plan, outlined in this 2005-06 Biennial Report, is the product of that hard work. It is our map for the future.

Our guide in developing the strategic plan was the June 2006 Report from the New Hampshire Citizens Commission on the State Courts, an extraordinarily dedicated group of nearly 100 citizens, most of them non-lawyers, who committed their time, talent and expertise toward an examination of the court system. Their point of view is invaluable. They speak for the people who use the courts every day, the people for whom our state constitution guarantees the fair, efficient and equal administration of justice. The Citizens Commission, and its recommendations, will influence our work for years to come.

We are proud of the accomplishments described in these pages: ongoing expansion of the Family Division; enhanced mediation services; and more help for people who can't afford a lawyer. Much of this was achieved not through additional expenditures, but through innovative ideas, better use of existing resources and through the sheer dedication of our judges, marital masters and staff. Our ongoing mission is to make justice in New Hampshire more accessible, affordable and understandable for all those who use the courts. We will take that same commitment into the next biennium.



John T. Broderick Jr.

Chief Justice





*Commission members convene for the first time on the steps of the Supreme Court in Concord.*

## CITIZENS COMMISSION ON THE NEW HAMPSHIRE STATE COURTS

### Highlights from the Commission Report

- ◆ A core need of the entire court system is an improvement in “customer” service. Installation of new technology should be accelerated to improve effectiveness and efficiency; staff training should be improved; help-desks should be established in courthouses.
- ◆ The court system must find additional ways to help citizens who come to court without a lawyer, including building a “case manager” system.
- ◆ Make a greater commitment to development of alternative dispute resolution programs and to the use of mediation to avoid court trials.
- ◆ Adequate staff and training should be provided to ensure the success of the statewide expansion of the Family Division. The Commission strongly supported mediation to reduce the adversarial nature of family disputes because “sensitive issues related to the well-being of children cannot be resolved in an atmosphere of hostility.”

- ◆ The Commissioners urged the state to continue development of statewide pretrial diversion and alternatives to prison programs. “By utilizing these alternatives, we would rehabilitate offenders, save money and reduce crime,” the commission said.

*The Citizens Commission report is available at [www.courts.state.nh.us](http://www.courts.state.nh.us).*

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***“If the judiciary fails to provide 21st century services to 21st century citizenry, we believe that public trust and confidence in the integrity of the judicial branch and its decisions will erode.”***

*The Citizens Commission*

Major funding for the Citizens Commission was provided by the New Hampshire Bar Foundation and the New Hampshire Charitable Foundation. The Commission maintained a website; met with representatives from the National Center for State Courts; and conducted 11 “listening sessions” around the state. Eight research committees combined to produce the Commission’s final report and recommendations in June 2006.

*Convened in April 2005, the Commission’s task was to gather information and feedback from the public on the court system, analyze the findings and make recommendations for improvement. Two non-lawyers, Will Abbott of Holder-ness and Katharine Eneguess of Jaffrey, co-chaired the commission, whose members included business executives, a former chief operating officer for one of the world’s largest software companies, civic leaders, lawmakers, educators, a labor organizer, and a veteran television executive. A minority of the members were lawyers and judges.*

*every citizen is "entitled to a certain remedy, by having recourse to the laws, for all injuries he may receive in his person, property, or character; to obtain right and justice freely, without being obliged to purchase it; completely, and without any denial; promptly,*

*N.H. Constitution, Part I, Art. 14.*

## HOW THE STRATEGIC PLAN WAS DEVELOPED

*The Strategic Plan draws on findings and reports completed by five groups since January 2004:*

- *Challenge to Justice: The Task Force on Unrepresented Litigants*
- *A Vision of Justice: Committee on Justice Needs and Priorities*
- *Report from the Task Force on Public Access to Court Records*
- *Report of the Committee on Court Security*
- *Citizens Commission Report*

On June 1 and June 2, 2006 Chief Justice Broderick convened a group of 24 judges and support staff and charged them with developing a vision for the future of New Hampshire courts. The product of those discussions is The Judicial Branch Strategic Plan, which has five goals that will direct the court system's future:

- ◆ Work to Serve and Educate the Public
- ◆ Achieve progress through change
- ◆ Keep our courthouses safe
- ◆ Recognize our staff as our most valuable resource
- ◆ Deliver results fairly and efficiently

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***"It is apparent that New Hampshire's judicial branch is a mystery to most citizens."***

*Citizens Commission*

In August 2005, the first public opinion survey of the NH Court system found that very few citizens knew much about how cases are handled or how the system works. The Citizens Commission urged the Judicial Branch to bridge this "information gap" with an aggressive education outreach campaign about the importance and relevance of the courts to community life. "The public must understand the value, role and limits of the system," the Citizens Commission said.

Among those who had been to court, a majority felt the outcomes were fair and 75 percent reported they were treated with dignity and respect. The survey of 765 residents was conducted by the University of New Hampshire Survey Center and funded by a grant from the NH Bar Foundation. The complete survey is included in the Citizens Commission report.

*All documents are available on the Judicial Branch website at [www.courts.state.nh.us](http://www.courts.state.nh.us).*

***Read about the court system's civic education projects on page 16.***

# STRATEGIC PLAN

## WORK TO SERVE AND EDUCATE THE PUBLIC

### ◆ The Family Division—Creating a Better Place for Resolving Differences

Statewide expansion of the Family Division continued steadily in 2005-06. Jurisdiction for family matters—divorce, child support, domestic violence, juvenile delinquency—is being shifted out of the Superior, District and Probate Courts into a single division of the court system designed to provide better, more focused service for parents and children. By the close of 2007, officials expect the Family Division will be in eight counties and 22 locations. This transition, initiated by the legislature with a pilot project 10 years ago, is the most significant change in the New Hampshire court structure in a generation. *Read more about the Family Division at [www.courts.state.nh.us](http://www.courts.state.nh.us).*

### ◆ Unbundled Legal Services

In July 2006, New Hampshire joined a handful of states that allow consumers to hire a lawyer on a limited basis to help them in a civil case—a practice known as “unbundled legal services.” Nationwide, court systems have increasingly looked

toward this form of limited legal representation as a way to provide low-cost legal services for the poor, and for the growing number of *pro se* litigants who might otherwise come to court on their own. New ethics rules, part of the Supreme Court’s accelerated response to the need for more affordable legal services, allow lawyers to offer advice or coaching, or to carry out discreet tasks, such as filing a single pleading. Prior to the rule change, lawyers were required to stay on a case until completion, unless a judge ruled otherwise.

*“The Judicial Branch should create a customer-service-based court environment.”*

*Citizens Commission*

### ◆ Pro Se

A key to better service in the courthouse is *case managers* who work with citizens who come to court without a lawyer, or *pro se*. Case managers help *pro se* litigants navigate court procedures and the paperwork involved, which reduces delays and results in efficient operations for all court users.

### Goal:

*The Judicial branch must respect and respond to multiple constituencies while also working to promote understanding of and respect for the rule of law.*

*In 2004, the Supreme Court, for the first time in 25 years, began accepting most appeals from the state trial courts. For the purposes of this report, a calendar year comparison of case filings and dispositions at the Supreme Court best reflects the impact of that change. Fiscal year caseload statistics are shown for the Superior, District and Probate Courts and Family Division, to coincide with the state budget cycle.*

The Supreme Court at a Glance  
Caseload Summary

	2005	2006
Cases pending on Jan 1	523	671
New filings	938	953
Total	1,461	1,624
Dispositions	884	879
Cases pending on Dec 31	671	745

	2005	2006
Cases accepted for appellate review	733	673
Oral Arguments—TOTAL	229	262
3JX	91	87
Full Court	138	175
Opinions Issued	146	158
3JX Orders	90	89



**Mission Statement:**  
To preserve the rule of the law and to protect the rights and liberties guaranteed by the United States and New Hampshire Constitutions, the courts will provide accessible, prompt, and efficient forums for the fair and independent administration of justice, with respect for the dignity of all we serve.

**The NH Judicial Branch Self-Help Center \*\*\*\*\***

**Self-Help Center**

- ★ Self-Help Home
- ★ Getting Started
- ★ Alternatives To Court
- ★ Find Your Court
- ★ Forms & Fees
- ★ Legal Assistance
- ★ Prepare For Court
- ★ Judicial Branch Home
- ★ Contact Us
- ★ Site Map
- ★ Site Search
- ★ FAQs
- ★ NH Laws
- ★ Court Rules
- ★ Definition of Legal Terms

**Welcome**  
to the Judicial Branch Self-Help Center. These pages provide basic, practical information about the New Hampshire court system, how it works, and what the procedures are for bringing a case to court.

We hope the information on these pages will help you resolve any questions or issues you may have as you go forward through the judicial system.

It is important for you to know that when you come to court without a lawyer you take a risk. The court cannot act on your behalf. Sometimes even simple matters can have legal consequences that you are unaware of or do not understand, involving critical issues such as custody of your children, division of property, child support payments, landlord-tenant rights or settling a will.

The Self-Help Center should not be considered a substitute for legal advice. It contains basic

**Getting Started**

- ★ Alternatives To Court
- Find Your Court
- Forms & Fees
- Legal Assistance
- Prepare For Court
- Quick Links

### Weighted Caseload Study

*The courts continue to strive to be accountable to the legislature and to the citizens of New Hampshire for its work performance and expenditures. In recognition of the fact that 75% of our operating budget funds are personnel, we contracted with the National Center for State Courts (NCSC) to update our weighted caseload system, a tool used to project the number of judges and support staff needed in each court location based on the number and type of cases filed. We also completed the first clerical workload assessment of the newly established Family Division.*

### Website Improvements to Benefit the Public

In an ongoing effort to improve access to information about the courts, the Judicial Branch made significant improvements to its website during this biennium, including a new “Self-Help Center” which offers user-friendly directions and information for people who come to court without a lawyer, or *pro se*. The Self-Help Center provides factual information about the court system and types of cases and it also explains alternatives to litigation, such as mediation, what to expect in the courtroom, how to find an attorney, and how to complete certain forms.

### Service Center Coordinator

In recent years, the NH Judicial Branch has recognized in several special reports the need for the courts to serve a growing *pro se* litigant population more effectively. The Probate Courts have created a position, called a Service Center Coordinator, to staff a service center to respond to the needs identified in those reports.

- ◆ Will initially be shared between Rockingham and Hillsborough Probate Courts.
- ◆ Will provide assistance to the public, agencies and attorneys for all case types processed in the probate courts.
- ◆ Will be available to all court users on both a walk-in basis and by appointment, by

Creation of a “Self-Help Center” was one of the recommendations in the Task Force Report on Self-Representation. Funding for the project was provided by the New Hampshire Bar Foundation, which supports efforts to inform the public about the justice system. The Judicial Branch also distributed posters and handcards describing for the public what court staff can—and cannot—do to help *pro se* litigants.

The Family Division web pages were completely overhauled in 2006 and now provide comprehensive, easy to understand directions about family legal issues. Family Division forms are now available for download on the website and can be filled out and submitted to the Family Division when needed.

The web pages on Jury Service were redesigned and enhanced in 2005 through a grant from the American Bar Association. New pages include more information on procedures, directions to court locations, information about parking and a section on “Frequently Asked Questions.” The “Juror Questionnaire,” which potential jurors now receive in the mail, can now be filled out online, printed and then sent to the court.

telephone (including the use of an 800 number so smaller courts may refer calls to the center) and by email.

- ◆ Staff will be able to respond to any probate case question, particularly detailed questions about filing new cases.
- ◆ Opening Spring of 2007.

# STRATEGIC PLAN

## ACHIEVE PROGRESS THROUGH CHANGE

### ◆ *Alternative Dispute Resolution*

Establishing innovative ways to resolve legal disputes without going to court—known as alternative dispute resolution or ADR—is a top priority for the Judicial Branch. A new Judicial Branch “Committee on Dispute Resolution Services,” chaired by Senior Associate Justice Linda S. Dalianis, proposed a plan that will establish a statewide Office of Mediation/Arbitration, funded by a legislative appropriation, which would have overall responsibility for managing, developing and overseeing all of the court system’s dispute resolution programs. The office would:

- Set standards and qualifications for dispute resolution providers.
- Provide pre-lawsuit arbitration or mediation.
- Assist administrative agencies with ADR.
- Oversee quality of court ADR programs.

This would replace the current mediation program, staffed by volunteer lawyers, which is now mandatory in some form in civil cases in five Superior Court locations.

### ◆ *Probate Mediation*

Mediations have been conducted in Probate Court for the past five years for every case type, with high volume in equity, estate, and guardianship matters. Questionnaires completed by participants after each mediation session indicate high satisfaction with the mediation process and quality of mediators. Since 2002, partial or full settlement has been reached in 64% of the cases that have gone to mediation.

### ◆ *Small Claims*

As of February 2007, small claims mediation (cases under \$5,000) was available in all 35 District Court locations. Mediation, which is funded by a \$5.00 filing fee, is optional and available to all parties without charge. In 2005, approximately 18,000 small claims cases were filed in District Court; the settlement rate was 70-80%.

### *Goal:*

*The Judicial Branch must anticipate change and manage innovation to achieve progress.*

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*Mediation “gives parties both a stake and a hand in crafting mutually acceptable solutions.”*

*Chief Justice Broderick*

**The Superior Court at a Glance**  
*FY 2005 Caseload Summary*

Type	Caseload Summary				Re-opened* Summary	
	Pending 6/30/04	Filings	Dispositions	Pending 6/30/05	Re-opened Files	Dispositions
Criminal	10,103	14,689	13,761	11,031	10,068	9,350
Marital	5,378	8,170	7,816	5,732	9,453	9,127
Civil	4,064	4,267	4,430	3,901	1,931	1,845
Equity	2,264	3,591	3,649	2,206	756	665
Juvenile	101	110	91	120	39	36
<b>Total</b>	<b>21,910</b>	<b>30,827</b>	<b>29,747</b>	<b>22,990</b>	<b>22,247</b>	<b>21,023</b>

\*A “re-opened” file is defined as additional judicial action in a previously closed case.



Since January 2006, the new case management system, Odyssey, has gone into operation in 13 district courts:

- Plaistow
- Exeter
- Franklin
- Plymouth
- Lebanon
- Salem
- Hooksett
- Littleton
- Haverhill
- New London
- Henniker
- Hillsborough
- Concord

### ♦ *Odyssey in Action*

In October of 2006, Salem District Court became the eighth court to shift to Odyssey, the new case management system. Salem was one of the larger courts converted thus far from the long-outdated DOS-based system, SUSTAIN. “It was time for a change,” says Salem District Court Clerk Sherry Bisson.

Odyssey allows Bisson increased efficiency in the courtroom, where she now does all of her scheduling. Bisson routinely opens at least two screens of Odyssey on her computer, using one for scheduling and another for queries about cases. The old system, SUSTAIN, only allowed one screen—or window—open at a time. With SUSTAIN, it was quicker to write out a document or notice by hand, rather than wait while a clerk signed off from one screen to another before a question could be answered or document printed. In a busy courtroom, Odyssey makes “multi-tasking” much easier and that means a more efficient process and better service to court users.

While Odyssey is a state-of-the-art case management system, it is only as good as the staff using it. The Salem staff continues to learn more every day, working with

one another to share information as new scenarios present themselves. Knowledge of Odyssey flows all the way to the top in Salem, as Judge John Korbey himself attended training and is a fluent user. Bisson says she is now comfortable enough with Odyssey to learn about its advanced functions, and she and her staff are eager to make Odyssey’s potential a reality.

### ♦ *Problem Solving Courts*

Juvenile drug courts are now located in Claremont, Concord, Derry, Laconia, Nashua, Plymouth and Berlin for youth between 13-17 years of age with serious drug abuse problems. The program combines traditional court sanctions with treatment and support tailored to individual needs. Parents, teachers and others important to the youth’s success are involved and when possible, services are provided in the youth’s home community.

A “problem solving court” model has been established in Keene District Court for defendants who have mental health concerns. In Nashua District Court in 2006, start-up grant funds launched “Community Connections” to maximize cooperation between the criminal justice system and providers of mental health services.

**The Superior Court at a Glance**  
*FY 2006 Caseload Summary*

Type	Caseload Summary				Re-opened* Summary	
	Pending 6/30/05	Filings	Dispositions	Pending 6/30/06	Re-opened Files	Dispositions
Criminal	11,031	15,653	15,834	10,850	10,923	10,296
Marital	5,732	7,989	8,059	5,662	8,376	8,270
Civil	3,901	4,352	4,052	4,201	1,806	1,761
Equity	2,206	3,782	3,643	2,345	883	781
Juvenile	120	80	93	107	37	16
<b>Total</b>	<b>22,990</b>	<b>31,856</b>	<b>31,681</b>	<b>23,165</b>	<b>22,025</b>	<b>21,124</b>

\*A “re-opened” file is defined as additional judicial action in a previously closed case.

# STRATEGIC PLAN

## KEEPING COURTHOUSES SAFE

### Committee on Court Security

- ◆ In March 2005, the 22-member Committee on Court Security was formed by the Supreme Court to assess security needs and propose improvements. The committee was chaired by Associate Supreme Court Justice Richard E. Galway and Earl M. Sweeney, the former director of NH Police Standards and Training. Members included the state Attorney General; the federal marshal for the District of New Hampshire; judges, county sheriffs, and court security.
- ◆ A top priority of the court security committee is to establish a single, full-time security

force that would receive standardized training and be required to meet certification criteria.

- ◆ Following the security committee's recommendation, in February 2006, Strafford County spent \$85,000 for video technology in the Superior and District Courts so that inmates could be arraigned in the county jail instead of being brought to the courthouse. Video arraignments are also used elsewhere in the court system to save time and money, and reduce security risks in transporting prisoners to and from jail.

### Goal:

*The Judicial branch must provide a safe and secure environment for all.*

### Local Hero in the Courthouse

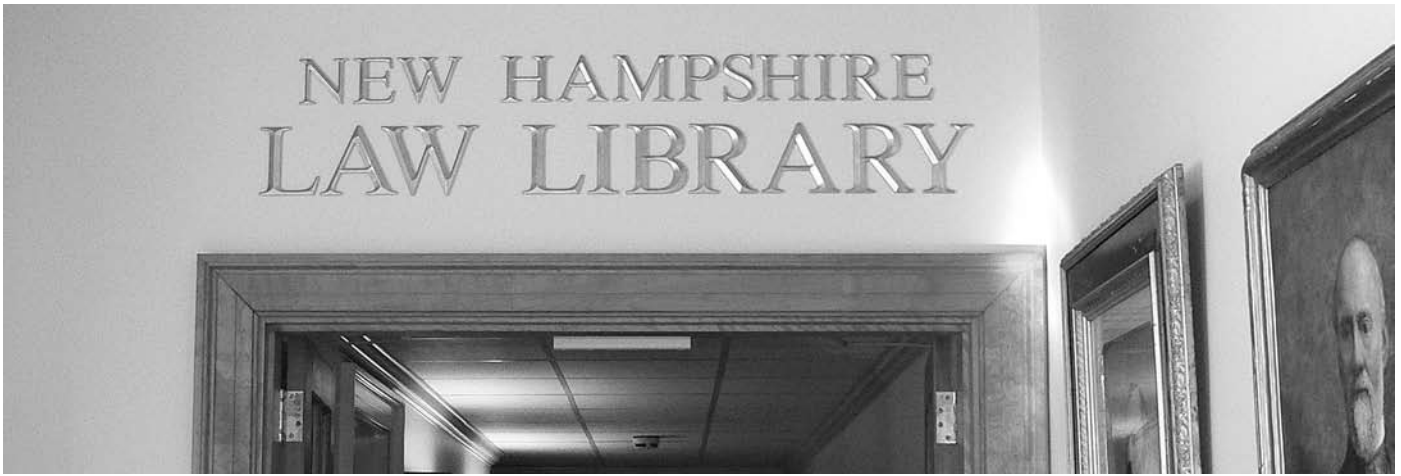
Court Security Officer John Cook performed the Heimlich maneuver twice in the lobby of Rochester District Court before a piece of candy stuck in Mike Dellolacono's throat popped out. Dellolacono, who was choking and turning blue, credited Cook with saving his life. As the local newspaper reported, Cook's 20 years as a police officer, and 14 years in court security, no doubt helped him stay cool in an unexpected crisis.



*Rochester District Court Clerk Carol Hatch, Court Security Officer John Cook, Mike Dellolacono and his fiancé Tiffany Bascom. Photo courtesy of Foster's Daily Democrat.*

### The Family Division at a Glance

Type	FY 2005 Caseload Summary			FY 2006 Caseload Summary			
	Pending 6/30/04	Filings	Dispositions	Pending 6/30/05	Filings	Dispositions	Pending 6/30/06
Adoption	167	240	225	182	116	148	150
Domestic Violence	539	1,629	1,569	599	2,021	1,802	818
Guardianships	659	297	216	740	416	267	889
Juvenile	2,351	2,097	1,717	2,731	2,944	1,820	3,855
Marital	1,735	3,426	3,094	2,067	4,840	3,889	3,018
Termination of Parental Rights	91	70	83	78	113	93	98
<b>Total</b>	<b>5,542</b>	<b>7,759</b>	<b>6,904</b>	<b>6,397</b>	<b>10,450</b>	<b>8,019</b>	<b>8,828</b>



*"The New Hampshire courts have long embraced not only the obligation under the law to provide public access to judicial proceedings, but also the critical principle underlying the obligation—that transparency serves judicial accountability. At the same time, the court has recognized that technological advances offer new promises and new dangers."*

**Superior Court  
Judge Larry M.  
Smukler,  
Public Access  
Task Force  
Chairman**

#### ◆ **Best of the Old...and the New**

New Hampshire's only public law library is dedicated to supporting the legal research needs of the Judicial Branch, the private bar and most important, the general public. This library offers the best of both worlds, the old and the new: an extensive print collection, including modern and historical research materials; free public access to online legal research databases (launched in 2005), and free wireless access (which began in 2006). One-on-one legal research instruction at the library and a legal reference course for public librarians are part of the library's service to the communities of New Hampshire.

#### ◆ **Electronic Records**

The Supreme Court Task Force on Public Access to Court Records issued its preliminary report in February 2006 which proposed ground rules for access to court records through the Internet. The task force cited the need to balance public access with privacy concerns raised by the Internet, which will allow access to court records

anytime, at any place. Task Force recommendations included:

- Available records should include court calendars and dockets; litigants and parties indexes of cases filed; judgments, orders and decrees in cases and property liens.
- There should be a 10-day delay between filing in court and posting on the Internet.
- Not all court records would be available online; certain pleadings, such as those identifying witnesses would only be accessible in the courthouse.
- Information, such as social security numbers, would be confidential, as they are now.

The recommendations pertain primarily to docketing information, which is expected to be available on the Internet in two to three years. *The full task force report is available on the Judicial Branch website at [www.courts.state.nh.us](http://www.courts.state.nh.us).*

# STRATEGIC PLAN

## STAFF IS OUR MOST VALUABLE RESOURCE

### From the Staff Advisory Committee to the Chief Justice—A Report on Our First Two Years

The Staff Advisory Committee was established in 2005 to identify common concerns in the state courts and find solutions. We began as a group of employees from different courts, many of whom had never had much opportunity to interact with anyone outside their own building. Since then, the SAC has evolved into a group of Judicial Branch staff members who are comfortable sharing ideas and concerns, who see connections and similarities throughout the system, and recognize that by working together, what helps one can help all.

Over the past two years the committee has had presentations by members and guests on the weighted caseload system, the work of the court committee on “Leading Change and Transition,” statewide energy conservation, and court security. Training has been discussed at length with a suggestion that staff would benefit from a centralized training system so that employees from the same divisions from around the state could gather to share information and ideas. One of our committee mem-



*Jim Meachen (CSO, Manchester District Court) at the Fisher Cats Game*

bers, Patrick Ryan, participated in the Judicial Branch legislation committee and reported back to the SAC members.

The committee organized the first annual Judicial Branch Family and Friends Day at the Fisher Cats baseball stadium in Manchester held in June 2006. The committee is working hard to launch a family outing at one of the state parks in 2007 which we hope will also be an annual event.

In June of 2006, I participated in a Judicial Branch retreat to present the main concerns of the staff in planning the FY 08-09 budget. It was the first time that the staff had been represented at this type of gathering of judges, clerks and managers.

*Sherri Kluesener, SAC chair*

#### **Goal:**

*The Judicial Branch must attract, develop and retain talented personnel in every position.*

#### **Members of the Committee:**

*Barbara Hogan  
Bunny Clark  
Diane Caron  
Heidi Morgenstern  
JoAnn Lemay  
Kimberly Quint  
Lance Walton  
LoriAnne Dionne  
Marie Daniels  
Mary Barton  
Michele Boutin  
Pam Kozlowski  
Patrice Rasche  
Patrick Ryan  
Sara Bealieu  
Sharon Matte  
Sherri Kluesener  
Sherry Bisson  
Stacey Raven*

### The District Court at a Glance

Type	FY 2005 Caseload Summary			FY 2006 Caseload Summary			
	Pending 6/30/04	Filings	Dispositions	Pending 6/30/05	Filings	Dispositions	Pending 6/30/06
Criminal	65,759	144,475	144,349	65,885	149,427	144,741	70,571
Civil	5,294	6,649	6,488	5,455	5,754	5,681	5,528
Domestic Violence	1,609	3,943	3,859	1,693	3,458	3,387	1,764
Invol. Emerg. Admin.	311	1,645	1,623	333	1,666	1,667	332
Juvenile	6,392	6,541	6,262	6,671	5,559	4,936	7,294
Landlord & Tenant	2,967	7,535	7,272	3,230	8,145	7,472	3,903
Small Claims	15,593	17,734	16,897	16,430	16,591	16,169	16,852
<b>Total</b>	<b>97,925</b>	<b>188,522</b>	<b>186,750</b>	<b>99,697</b>	<b>190,600</b>	<b>184,053</b>	<b>106,244</b>



*The Iraqi Chief Justice (center), his interpreter (left), and Chief Justice Broderick*

## 2005 – 2006 HIGHLIGHTS

*The legacy of Chief Justice Charles Doe (1831-1896) gained new prominence in 2006 with the renaming of the Supreme Court campus in his honor. Doe served for 35 years on the Supreme Court. The court also accepted 88 boxes of documents that had been a part of Doe's personal library in Rollinsford.*

- ◆ In September 2005, a newly commissioned portrait of Chief Justice **Frank Rowe Kenison** (1907-1980) was presented to the Supreme Court by the Kenison Legacy Committee.
- ◆ The Supreme Court Historical Society was established in the fall of 2006 with funds donated by the Kenison Legacy Committee. The guest speaker at the Society's inaugural event in November 2006 was Honorable **Madhat H. Al-Mahmood**, the Chief Justice of the Federal Supreme Court of Iraq. The Chief Justice regularly leads delegations of Iraqi judges to regional and international conferences. During one of those events, the Iraqi Chief Justice met then Senior Associate Supreme Court Justice **Joseph P. Nadeau**, who invited him to New Hampshire.
- ◆ The official portrait of Retired Chief Justice **David A. Brock** was presented to the Supreme Court in November 2006.
- ◆ The **John W. King** Memorial Lecture, named for the former Chief Justice and Governor, was delivered in 2005 by U.S. Congressman **Tom Lantos**, co-chairman of the bi-partisan Congressional Human Rights Caucus. In 2006, the speaker was **Frank J. Williams**, the Chief Justice of Rhode Island, a scholar and historian of the life of Abraham Lincoln.



In January 2006, **Gary E. Hicks**, an associate justice of the Superior Court since 2001, was sworn in as the 104th member of the New Hampshire Supreme Court. He assumed the seat vacated when Senior Associate Supreme Court Justice **Joseph P. Nadeau** retired in December 2005. Nadeau had been a state court judge for 37 years, including 19 years on the Superior Court, where he was Chief Justice from 1992 until his appointment to the Supreme Court in 2000.



**David D. King**, a Coos County Probate Court judge for more than 16 years, was named by the Supreme Court to be the new Administrative Judge of the Probate Court. He was appointed following the retirement of Judge **John R. Maher** in December 2006 after 23 years of service in the Probate Court and 16 years as Administrative Judge. He was instrumental in streamlining procedures for estates and started programs for mediation and guardianship monitoring. Maher, who founded a support group for legal professionals with substance dependency issues, is the chairman of a new NH Lawyers Assistance Program.

## Meeting the Access to Justice Needs of a Changing State

- ◆ From 1990-2000 NH population grew by 18 percent; the state's Hispanic population increased by 81 percent (source: US Census Bureau).
- ◆ Over 96,000 people living in NH have limited English language proficiency (source: National Center for State Courts).
- ◆ Judicial Branch expenses for interpreter costs increased from \$70,000 in FY 2000 to \$339,000 in FY 2006.

Language barriers are barriers to access to justice. Both the Citizens Commission and the 2004 Task Force on Justice System Needs and Priorities recommended that the availability of foreign language interpreters and translation services be increased. In March 2006, the



Judicial Branch contracted with The Language Bank to provide foreign language interpretation services in all state courts. The Language Bank, which is administered by the non-profit organization Lutheran Social Services of Northern New England, provides interpretation services for legal, medical and other professionals throughout New Hampshire.

*In 2005 and 2006 the following Judicial Branch employees celebrated 25 years of government service:*

*Rebecca Decato  
Julianne French  
Carol Goldstein  
Kathryn Legassie  
Celeste Nault  
Joanne Sullivan  
Diane Doiron  
Don Goodnow  
Marge Lang  
Jane Levasseur  
William McGraw  
Karen Brickner  
Nancy Murray  
Ruth Corriveau  
Margaret Haskett,  
Lynn Killkelley  
Bonnie Cook  
Kim Quint  
Carolyn Stanley*

## Providing For Vulnerable Children And Youth

In December 2005, Chief Justice Broderick, with the support of John A. Stephen, the Commissioner of the Department of Health and Human Services, called together judges and court staff, child advocates, lawyers, and state officials whose agencies work with families and children in trouble to examine the length of time children spend in foster care after they have been removed from their homes because of abuse or neglect.

The resolution of these cases is regulated by a complex set of state and federal laws and rules designed to serve the best interest of the child while also safeguarding parental rights. The goal of the "Foster Care Committee" was to determine where the state system could be streamlined or improved so that these children could be removed from the uncertainty of foster care as quickly as possible and reunited with their families or permanently placed in another home.

As a result of the committee's work—led by Administrative Judge Edwin W. Kelly—protocols and timelines for disposition of abuse and neglect cases in the state courts are now mandatory. In addition, proposed legislative changes would eliminate procedural delays in the system and shorten the time children are in foster care, including:

- Timely trials (completed within 30-60 days of filing) and case review every three months instead of once a year to more carefully monitor efforts towards family reunification.
- Requiring a court hearing, within one year of a finding of abuse or neglect, to determine whether the child will return to his/her parents or whether a "permanent" placement will be planned.
- Allow for direct appeal to the Supreme Court of a finding of abuse or neglect in the District or Family Courts, eliminating the intermediate step in the Superior Court.

# STRATEGIC PLAN

## DELIVER RESULTS FAIRLY AND EFFICIENTLY

### Goal:

*The Judicial Branch must improve the quality of justice with an efficient and effective delivery system.*

*Live WEBCAST of Supreme Court oral arguments began in October 2005, bringing an important new level of public access to the court system. Arguments are archived on the Judicial Branch website at [www.courts.state.nh.us](http://www.courts.state.nh.us).*

### ◆ Access to Justice Commission

In 2006, Associate Supreme Court Justice James E. Duggan and Chief Judge Steven J. McAuliffe of the U.S. District Court in Concord began an effort to improve the delivery of legal services in civil cases to low-income and poor residents of New Hampshire. The new, "Access to Justice Commission" will:

- promote a statewide, integrated system for delivery of civil legal services
- develop and implement initiatives to meet the need of those whose access to civil justice is limited by the costs of legal services
- increase public awareness of the need for legal services
- develop assisted programs for unrepresented or *pro se* litigants
- encourage greater voluntary participation by the private bar in providing free legal assistance to low-income residents.

### ◆ Staff Training and Development

During the biennium, judges were awarded scholarships funded by the State Justice Institute (SJI) to study mediation, access to

public records, trial management, settlement techniques, judicial accountability and ethics and practical skills. Jason Jordanhazy, the court system's interim security manager, attended a U.S. Marshal Service seminar on court security also funded by SJI, which was established by federal law to help improve the administration of justice nationwide. Judges attended a conference on management of sex offender cases sponsored by the Department of Corrections and funded by the US Department of Justice.

A 12-hour orientation program is now mandatory for all new court employees, and the staff receives ongoing training in customer service and issues involving people who come to court without a lawyer.

In the Family Division, judges attended education sessions on elements of the new Parental Rights and Responsibilities Act, including the "First Appearance" process which occurs at the start of a divorce proceeding in which minor children are involved, and development of child and parenting plans, which are now required by state law.

### The Probate Court at a Glance

Type	FY 2005 Caseload Summary				FY 2006 Caseload Summary		
	Pending 6/30/04	Filings	Dispositions	Pending 6/30/05	Filings	Dispositions	Pending 6/30/06
Estates/Trusts	6,472	6,188	6,116	6,544	5,866	6,105	6,305
Adoption and Related Issues	666	810	804	672	1,127	1,023	776
Guardianship Adult/Minor	8,077	1,825	1,555	8,347	1,914	1,678	8,583
Involuntary Admission	33	396	392	37	400	403	34
Equity	169	204	193	180	195	188	187
Other	198	1,262	1,259	201	1,370	1,343	228
<b>Total</b>	<b>15,615</b>	<b>10,685</b>	<b>10,319</b>	<b>15,981</b>	<b>10,872</b>	<b>10,740</b>	<b>16,113</b>



## FROM THE DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE COURTS

In the past two years, as this biennial report describes, much progress has been made in the services the court system provides to New Hampshire citizens. The role of the Administrative Office of the Courts in this process is to provide core administrative support services to the 73 courts located at 45 sites throughout New Hampshire. Routine services include payroll, human resources, purchasing, and computer support for approximately 800 full-time and part-time judges, masters, and employees.

We have devoted enormous energy to the task of deploying the new trial court case management system, ODYSSEY. This work includes conversion of data from our existing system, reconciliation of converted financial records, training, and scheduling of hardware upgrades. ODYSSEY promises to provide judges and administrators with accurate information about caseload management which will help resolve disputes more efficiently.

The AOC staff has participated in the State's NHFIRST project which will update state business processes such as accounting, inventory, budgeting, grant administration,

personnel, payroll, purchasing, and revenue accounting. Our work will ensure that court administration continues to be closely integrated with the rest of state government.

As the State's population grows more diverse, the Administrative Office of the Courts has responded by contracting with The Language Bank of Lutheran Social Services to provide interpreter services to all courts. This arrangement has enhanced access to trial court and made interpreter services more efficient.

We are particularly excited about recent collaborations with neighboring states in northern New England in the area of interpreter services, fine collections, emergency planning, and alternative dispute resolution. These projects allow us to benefit from the experiences of our neighbors who face similar issues and will permit us to move more quickly to provide improved access to more efficient New Hampshire courts.

Donald D. Goodnow

### FAST FACTS

**Supreme Court:** The state's only appellate court, the justices review cases from the trial courts and administrative agencies.

**Superior Court:** The only forum in the state for jury trials. The Superior Court has jurisdiction over a wide variety of cases including criminal and civil cases.

**District Court:** "Community courts" located in 36 cities and towns around the state.

District Court cases include small claims, landlord-tenant, minor crimes and civil cases valued at less than \$25,000.

**Family Division:** The Family Division is expanding statewide and its jurisdiction will include divorce cases, parenting responsibilities (child support), domestic violence petitions, guardianship of minors, abuse and neglect cases, and juvenile delinquency.

**Probate Court:** Jurisdiction includes trusts, wills, estates, guardianships and partition of property.

# FINANCIALS

## FISCAL OVERVIEW 2005 – 2006

The Judicial Branch relies upon funds appropriated by the legislature for the operations of its courts. For FY 2005, the state legislature appropriated \$60,758,082 Total expenditures for FY 2005 were \$62,259,193. For FY 2006, the state legislature appropriated \$64,919,338 Total expenditures for FY 2006 were \$63,827,343.

Most of the revenue generated by the court system is returned to the general fund or designated to help finance other state agencies and programs, such as the Police Standards and Training Council and the Victim's Assistance Fund.

### Judicial Branch Expenditure Summary FY 2005 and FY 2006

Category	FY 2005	% of Total	FY 2006	% of Total	% Change '05 – '06
Superior Court	\$18,224,287	29.3%	\$18,073,560	28.3%	(1%)
District Court	15,457,540	24.8%	15,991,815	25.1%	3%
Facilities (transfer to Other State Agencies)	6,674,333	10.7%	7,167,279	11.2%	7%
Supreme Court	6,708,697	10.8%	7,030,025	11.0%	5%
Probate Court	4,395,769	7.1%	4,692,643	7.4%	7%
Court Security	2,956,801	4.7%	2,944,796	4.6%	0%
Family Division	2,910,889	4.7%	4,174,613	6.5%	43%
Statewide Expenditures	1,880,641	3.0%	913,216	1.4%	(51%)
Other*	3,050,236	4.9%	2,839,396	4.5%	(7%)
<b>Total</b>	<b>\$62,259,193</b>	<b>100.0%</b>	<b>\$63,827,343</b>	<b>100.0%</b>	<b>3%</b>

\*Other includes workers' compensation, revolving funds, default fees, grants, facility escrow, and capital expenditures.

### Judicial Branch Revenue Distribution Summary

Distributions	FY 2005		FY 2006	
	Amount	Percentage	Amount	Percentage
General Fund	\$17,114,291	80.3%	\$19,430,359	81.7%
Police Standards and Training (RSA 188-F:31)	1,779,423	8.3%	1,843,987	7.8%
IV D Reimbursement	908,044	4.3%	874,086	3.7%
Victim's Assistance Fund (RSA 188-F:31)	583,251	2.7%	571,466	2.4%
Guardian ad Litem Fund (RSA 458:17-b)	267,426	1.3%	279,624	1.2%
Facility Escrow Fund (RSA 490:26-c)	173,048	0.8%	178,691	0.7%
Revolving Funds	138,775	0.7%	213,035	0.9%
Court Transcription	109,110	0.5%	157,186	0.7%
Default Fees (RSA 597:38-a)	99,190	0.5%	93,156	0.4%
Default Bench Warrant Fund (RSA 597:38-b)	106,653	0.5%	101,940	0.4%
Highway Fund	26,526	0.1%	35,093	0.1%
<b>Total</b>	<b>\$21,305,737</b>	<b>100.0%</b>	<b>\$23,778,623</b>	<b>100.0%</b>

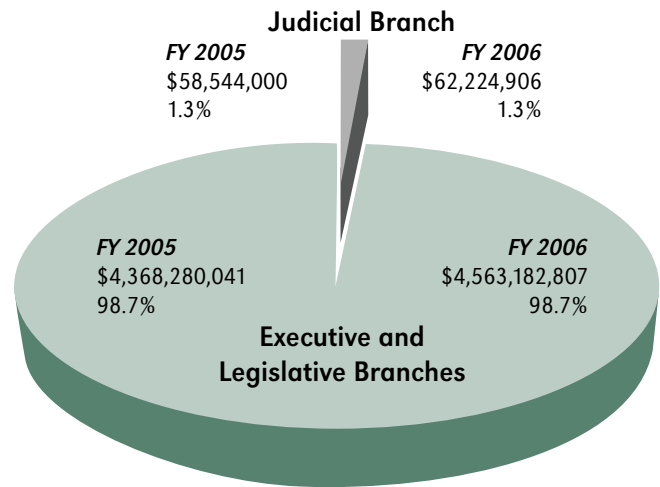
# FINANCIALS

## FISCAL OVERVIEW 2005 – 2006

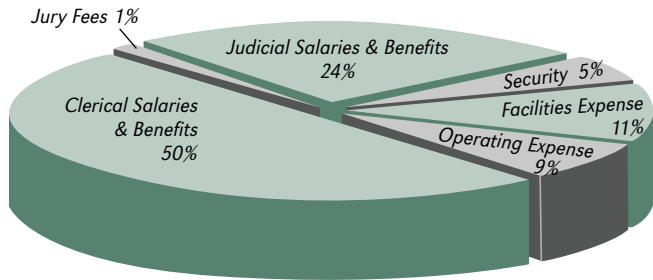
### Grant Funding

Funding Agency	FY 2005	FY 2006
NH Dept. of Justice	\$776,768	\$400,259
Robert Wood Johnson Foundation	399,172	431,956
US Dept. of Justice	363,924	322,285
NH Juvenile Justice	150,654	72,473
US Dept of Health & Human Services	97,023	128,768
NH Office of Alcohol & Drug Abuse	78,327	1,155
NH Highway Safety Agency	74,163	3,637
Annie E. Casey Foundation	50,000	0
NH Commissioner's Office	4,000	0
NH Bar Foundation	3,552	32,991
American Bar Association	1,000	0
State Justice Institute	0	30,000
Strafford County Attorney	0	26,045
<b>Total Funds from Grants</b>	<b>\$1,998,583</b>	<b>\$1,449,569</b>

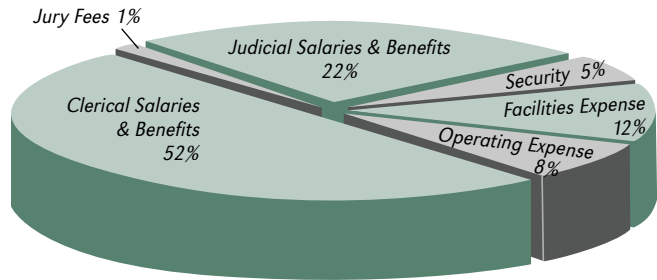
### State of New Hampshire Operating Budget FY 2005 – 2006



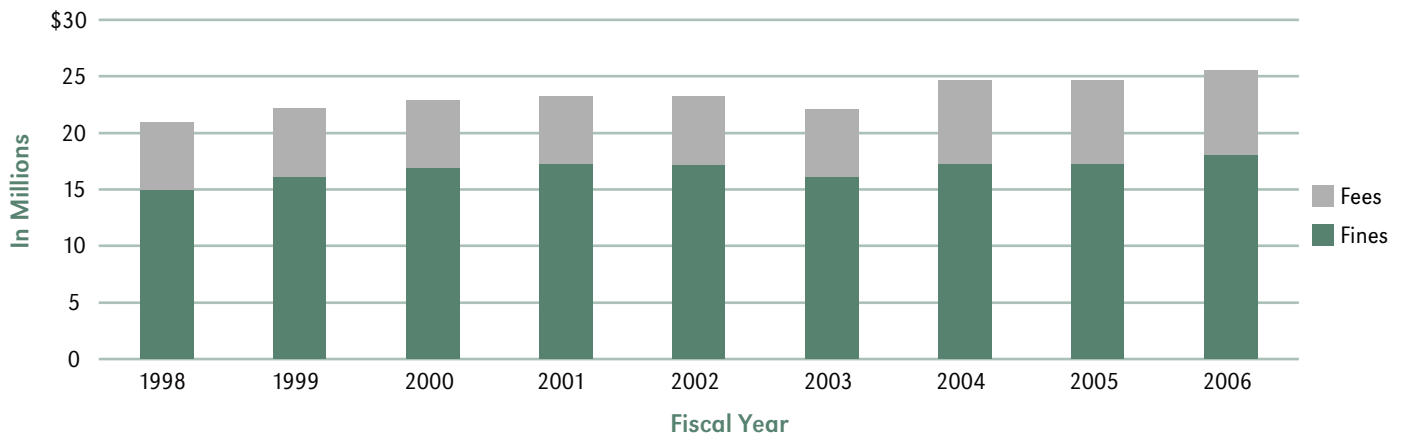
### Systemwide Expenditures FY 2005



### Systemwide Expenditures FY 2006



### Court Fines and Fees Collected For the State's General Fund





*(Photo above) In 2006, the Judicial Branch Communications Office worked with five New Hampshire newspapers to launch an annual statewide Constitution Day Essay Contest. Associate Supreme Court Justice James E. Duggan drafted the essay question and chose the statewide winners.*

### Civic Education

The Judicial Branch Communications Office organized numerous public outreach projects in 2005-06, including school events, public lectures, and television projects, arranged numerous media interviews with judges and produced print and electronic publications:

- ◆ The 8th Supreme Court “On the Road” special session was held in October 2006 in Berlin before more than 500 students. “On the Road” was held in 2005 at Nashua High School and Phillips Exeter Academy. Since 2002, more than 3,500 high school students have attended these special sessions.
- ◆ More than 3,000 New Hampshire elementary school children visited the Supreme Court in 2005-06, met and talked with a justice and participated in “mock trials” conducted by law clerks.
- ◆ New York Times national legal correspondent Adam Liptak was the featured speaker at a day-long “Law School for Journalists” sponsored by the New Hampshire Committee on the Judiciary and the Media. Judges, court staff and lawyers discussed media coverage of the courts and public access with more than 50 reporters from around the state.

*Judicial Branch General Counsel Howard J. Zibel was honored by NH Bar Association for 20 years of service in New Hampshire to “We the People,” a national program for high school students focused on the U.S. Constitution and Bill of Rights.*

### Contribution and Commitment

- ◆ Associate Superior Court Justice William J. Groff was awarded the Nashua Bar Association’s Humanitarian Award.
- ◆ Justice Edwin W. Kelly received the Voice for Children Award from the Division of Child and Family Services on June 15, 2005.
- ◆ The 2006 recipient of the William A. Grimes Award for Judicial Professionalism is Marital Master Martha W. Copithorne. The 2005 recipient was Goffstown District Court Judge Paul H. Lawrence.
- ◆ In 2005 Gina B. Apicelli from the Family Division received the Paine Award at the annual statewide Domestic Violence Conference.

- ◆ Sheri Warburton received the 2006 Merrimack County Probate Court employee of the year award.

### Judicial Retirements *(also, see p. 10)*

#### Superior Court

- ◆ Justice Harold W. Perkins (21 years of service, including part-time district court and full-time superior court)
- ◆ Marital Master Martha W. Copithorne (15 years of service)

#### District Court

- ◆ Justice Arthur Robbins (26 years of service)
- ◆ Justice Richard Talbot (36 years of service)
- ◆ Justice Douglas Hatfield (34 years of service)
- ◆ Justice Patricia DiMeo (7 years of service)

# NEW HAMPSHIRE JUDGES AND MARITAL MASTERS

## Supreme Court

### Chief Justice John T. Broderick, Jr.

Hon. Linda S. Dalianis  
Hon. James E. Duggan  
Hon. Richard E. Galway  
Hon. Gary E. Hicks

## Superior Court Judges

### Chief Justice Robert J. Lynn

Hon. Gillian L. Abramson  
Hon. John P. Arnold  
Hon. James J. Barry, Jr.  
Hon. Arthur D. Brennan  
Hon. Jean K. Burling  
Hon. Patricia C. Coffey  
Hon. Carol A. Conboy  
Hon. Peter H. Fauver  
Hon. Edward J. Fitzgerald, III  
Hon. William J. Groff  
Hon. Bernard J. Hampsey, Jr.  
Hon. Steven M. Houran  
Hon. John M. Lewis  
Hon. Philip P. Mangones  
Hon. Kathleen McGuire  
Hon. Kenneth R. McHugh  
Hon. Tina L. Nadeau  
Hon. James D. O'Neill, III  
Hon. Larry M. Smukler  
Hon. David B. Sullivan  
Hon. Timothy J. Vaughan

## Marital Masters

Anne D. Barber \*  
Philip D. Cross \*  
Bruce Dalpra \*  
Harriet J. Fishman \*  
Robert J. Foley  
David S. Forrest  
Michael H. Garner \*  
Nancy J. Geiger  
Leonard S. Green  
Pamela D. Kelly (part-time as of 3/07)  
Alice S. Love  
Diane M. Nicolosi  
Stephanie T. Nute  
Deborah K. Rein

## Probate Court

### Full-time Judges

Hon. Gary R. Cassavechia  
Hon. Raymond A. Cloutier  
Hon. Richard A. Hampe  
Hon. Christina M. O'Neill

### Part-time Judges

### Administrative Judge David D. King

(full-time as of 3/07)

Hon. Gary W. Boyle  
Hon. Michael R. Feeney  
Hon. James R. Patten  
Hon. Albert H. Weeks

## District Court

### Full-time Judges

### Administrative Judge Edwin W. Kelly

Hon. Pamela D. Albee \*  
Hon. Thomas E. Bamberger  
Hon. Gerard J. Boyle  
Hon. Edward J. Burke  
Hon. Daniel M. Cappiello  
Hon. Susan B. Carbon \*  
Hon. Norman E. Champagne  
Hon. John J. Coughlin  
Hon. R. Laurence Cullen  
Hon. Francis J. Frasier  
Hon. Edward M. Gordon  
Hon. David O. Huot  
Hon. Clifford R. Kinghorn, Jr.  
Hon. John A. Korbey \*  
Hon. Paul H. Lawrence  
Hon. James H. Leary  
Hon. William H. Lyons  
Hon. Stephen M. Morrison  
Hon. Michael F. Sullivan

### Part-time Judges

Hon. Wallace J. Anctil  
Hon. Ellen L. Arnold \*  
Hon. Susan W. Ashley  
Hon. Thomas T. Barry  
Hon. Peter H. Bronstein  
Hon. Peter H. Bornstein  
Hon. Bruce A. Cardello \*  
Hon. Gerald J. Carney  
Hon. Albert J. Cirone, Jr.  
Hon. Martha R. Crocker  
Hon. John P. Cyr \*  
Hon. Paul D. Desjardins  
Hon. Sharon F. DeVries \*  
Hon. John C. Emery  
Hon. Sawako T. Gardner  
Hon. Peter G. Hurd \*  
(full-time Probate as of 3/07)  
Hon. Michael E. Jones  
Hon. David L. Kent  
Hon. Howard B. Lane, Jr.  
Hon. Robert L. LaPointe, Jr.  
Hon. Bruce R. Larson  
Hon. David G. LeFrancois \*

Hon. Lawrence A. MacLeod, Jr. \*  
Hon. Willard G. Martin, Jr. \*  
Hon. Timothy J. McKenna  
Hon. F. Graham McSwiney  
Hon. Gregory E. Michael  
Hon. James E. Michalik \*  
Hon. Paul S. Moore  
Hon. James R. Patten  
Hon. William N. Prigge  
Hon. Thomas A. Rappa, Jr. \*  
Hon. Stephen H. Roberts  
Hon. L. Phillips Runyon, III  
Hon. Michael J. Ryan  
Hon. Lucinda V. Sadler \*  
Hon. Stephen U. Samaha  
Hon. Jennifer B. Sargent  
Hon. Brackett L. Scheffy  
Hon. Robert S. Stephen  
Hon. Gerald Taube  
Hon. Edward B. Tenney  
Hon. Robert C. Varney  
Hon. Mark F. Weaver  
Hon. John J. Yazinski \*

\* Denotes Judges that are both District Court and Family Division Judges.

For more information about the State of New Hampshire Judicial Branch check out our website at [www.courts.state.nh.us](http://www.courts.state.nh.us). You'll find detailed descriptions there that will help direct you to the right place to find answers to your questions.

**Administrative Office  
of the Courts**

Two Charles Doe Drive  
Concord, NH 03301  
(603) 271-2521

**Supreme Court**

One Charles Doe Drive  
Concord, NH 03301  
(603) 271-2646

**Superior Court**

Superior Court Center  
17 Chenell Drive, Suite 1  
Concord, NH 03301  
(603) 271-2030

**District Court**

Administrative Office  
32 Clinton Street  
Concord, NH 03301  
(603) 271-6418

**Probate Court**

Administrative Office  
10 Route 125  
Brentwood, NH 03833  
(603) 642-5437

**Family Division**

Administrative Office  
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Concord, NH 03301  
(603) 271-6418

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